

145.3

ARTICLE 8

145.4

COMMERCE POLICY

145.5 Section 1. Minnesota Statutes 2016, section 45.013, is amended to read:

145.6 **45.013 POWER TO APPOINT STAFF.**

145.7 The commissioner of commerce may appoint ~~four~~ one deputy ~~commissioners~~

145.8 commissioner, four assistant commissioners, and an assistant to the commissioner. Those

145.9 positions, as well as that of a confidential secretary, are unclassified. The commissioner

145.10 may appoint other employees necessary to carry out the duties and responsibilities entrusted

145.11 to the commissioner.

145.12 Sec. 2. Minnesota Statutes 2016, section 45.0135, subdivision 6, is amended to read:

145.13 Subd. 6. **Insurance fraud prevention account.** The insurance fraud prevention account

145.14 is created in the state treasury. Money received from assessments under subdivision 7 and

145.15 transferred from the automobile theft prevention account in ~~section~~ sections 65B.84,

145.16 subdivision 1, and 2971.11, subdivision 2, is deposited in the account. Money in this fund

145.17 is appropriated to the commissioner of commerce for the purposes specified in this section

145.18 and sections 60A.951 to 60A.956.

145.19 **EFFECTIVE DATE.** This section is effective July 1, 2018.

31.20

ARTICLE 2

31.21

COMMERCE

31.22 Section 1. Minnesota Statutes 2016, section 45.0135, subdivision 6, is amended to read:

31.23 Subd. 6. **Insurance fraud prevention account.** The insurance fraud prevention account

31.24 is created in the state treasury. Money received from assessments under subdivision 7 and

31.25 transferred from the automobile theft prevention account in ~~section~~ sections 65B.84,

31.26 subdivision 1, and 2971.11, subdivision 2, is deposited in the account. Money in this fund

31.27 is appropriated to the commissioner of commerce for the purposes specified in this section

31.28 and sections 60A.951 to 60A.956.

31.29 Sec. 2. Minnesota Statutes 2016, section 46.131, subdivision 7, is amended to read:

31.30 Subd. 7. **Fiscal year assessments.** Such assessments shall be levied on July 1, 1965,

31.31 and ~~at~~ prior to the beginning of each fiscal period beginning July 1 and ending June 30

31.32 thereafter, and shall be based on the total estimated expense as herein referred to during

32.1 such period. Assessment revenue will be remitted to the commissioner for deposit in the

32.2 financial institutions account on or before July 1 of each year.

32.3 Sec. 3. Minnesota Statutes 2016, section 46.131, is amended by adding a subdivision to

32.4 read:

32.5 Subd. 11. **Financial institutions account; appropriation.** (a) The financial institutions

32.6 account is created as a separate account in the special revenue fund. The account consists

32.7 of funds received from assessments under subdivision 7 and examination fees under

32.8 subdivision 8. Earnings, including interest, dividends, and any other earnings arising from

32.9 account assets, must be credited to the account.

32.10 (b) Funds in the account are annually appropriated to the commissioner of commerce
32.11 for activities under this section.

32.12 **EFFECTIVE DATE.** This section is effective July 1, 2017.

32.13 Sec. 4. Minnesota Statutes 2016, section 53B.11, subdivision 1, is amended to read:

32.14 Subdivision 1. **Fee.** The annual fee for renewal of a license under this chapter is ~~\$2,500~~
32.15 **\$3,030.**

32.16 Sec. 5. Minnesota Statutes 2016, section 58.10, subdivision 1, is amended to read:

32.17 Subdivision 1. **Amounts.** The following fees must be paid to the commissioner:

32.18 (1) for a residential mortgage originator license, \$1,000, \$50 of which is credited to the
32.19 consumer education account in the special revenue fund;

32.20 (2) for a renewal license, ~~\$500~~ \$780, \$50 of which is credited to the consumer education
32.21 account in the special revenue fund;

32.22 (3) for a residential mortgage servicer's license, \$500;

32.23 (4) for a renewal license, \$250; and

32.24 (5) for a certificate of exemption, \$100.

32.25 Sec. 6. Minnesota Statutes 2016, section 65B.84, subdivision 1, is amended to read:

32.26 Subdivision 1. **Program described; commissioner's duties; appropriation.** (a) The
32.27 commissioner of commerce shall:

32.28 (1) develop and sponsor the implementation of statewide plans, programs, and strategies
32.29 to combat automobile theft, improve the administration of the automobile theft laws, and
33.1 provide a forum for identification of critical problems for those persons dealing with
33.2 automobile theft;

33.3 (2) coordinate the development, adoption, and implementation of plans, programs, and
33.4 strategies relating to interagency and intergovernmental cooperation with respect to
33.5 automobile theft enforcement;

145.20 Sec. 3. Minnesota Statutes 2016, section 65B.84, subdivision 1, is amended to read:

145.21 Subdivision 1. **Program described; commissioner's duties; appropriation.** (a) The
145.22 commissioner of commerce shall:

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145.24 to combat automobile theft, improve the administration of the automobile theft laws, and
145.25 provide a forum for identification of critical problems for those persons dealing with
145.26 automobile theft;

145.27 (2) coordinate the development, adoption, and implementation of plans, programs, and
145.28 strategies relating to interagency and intergovernmental cooperation with respect to
145.29 automobile theft enforcement;

146.1 (3) annually audit the plans and programs that have been funded in whole or in part to
 146.2 evaluate the effectiveness of the plans and programs and withdraw funding should the
 146.3 commissioner determine that a plan or program is ineffective or is no longer in need of
 146.4 further financial support from the fund;

146.5 (4) develop a plan of operation including:

146.6 (i) an assessment of the scope of the problem of automobile theft, including areas of the
 146.7 state where the problem is greatest;

146.8 (ii) an analysis of various methods of combating the problem of automobile theft;

146.9 (iii) a plan for providing financial support to combat automobile theft;

146.10 (iv) a plan for eliminating car hijacking; and

146.11 (v) an estimate of the funds required to implement the plan; and

146.12 (5) distribute money, in consultation with the commissioner of public safety, pursuant
 146.13 to subdivision 3 from the automobile theft prevention special revenue account for automobile
 146.14 theft prevention activities, including:

146.15 (i) paying the administrative costs of the program;

146.16 (ii) providing financial support to the State Patrol and local law enforcement agencies
 146.17 for automobile theft enforcement teams;

146.18 (iii) providing financial support to state or local law enforcement agencies for programs
 146.19 designed to reduce the incidence of automobile theft and for improved equipment and
 146.20 techniques for responding to automobile thefts;

146.21 (iv) providing financial support to local prosecutors for programs designed to reduce
 146.22 the incidence of automobile theft;

146.23 (v) providing financial support to judicial agencies for programs designed to reduce the
 146.24 incidence of automobile theft;

146.25 (vi) providing financial support for neighborhood or community organizations or business
 146.26 organizations for programs designed to reduce the incidence of automobile theft and to
 146.27 educate people about the common methods of automobile theft, the models of automobiles

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 33.7 evaluate the effectiveness of the plans and programs and withdraw funding should the
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 33.9 further financial support from the fund;

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 33.12 state where the problem is greatest;

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 33.22 for automobile theft enforcement teams;

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 33.27 the incidence of automobile theft;

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 33.29 incidence of automobile theft;

33.30 (vi) providing financial support for neighborhood or community organizations or business
 33.31 organizations for programs designed to reduce the incidence of automobile theft and to
 34.1 educate people about the common methods of automobile theft, the models of automobiles

146.28 most likely to be stolen, and the times and places automobile theft is most likely to occur;
 146.29 and

147.1 (vii) providing financial support for automobile theft educational and training programs
 147.2 for state and local law enforcement officials, driver and vehicle services exam and inspections
 147.3 staff, and members of the judiciary.

147.4 (b) The commissioner may not spend in any fiscal year more than ten percent of the
 147.5 money in the fund for the program's administrative and operating costs. The commissioner
 147.6 is annually appropriated and must distribute the amount of the proceeds credited to the
 147.7 automobile theft prevention special revenue account each year, less the transfer of \$1,300,000
 147.8 each year to the ~~general fund~~ insurance fraud prevention account described in section 297I.11,
 147.9 subdivision 2.

147.10 (c) At the end of each fiscal year, the commissioner may transfer any unobligated balances
 147.11 in the auto theft prevention account to the insurance fraud prevention account under section
 147.12 45.0135, subdivision 6.

147.13 **EFFECTIVE DATE.** This section is effective July 1, 2018.

147.14 Sec. 4. **[239.7511] GAS TAX SIGN ON PETROLEUM DISPENSER.**

34.2 most likely to be stolen, and the times and places automobile theft is most likely to occur;
 34.3 and

34.4 (vii) providing financial support for automobile theft educational and training programs
 34.5 for state and local law enforcement officials, driver and vehicle services exam and inspections
 34.6 staff, and members of the judiciary.

34.7 (b) The commissioner may not spend in any fiscal year more than ten percent of the
 34.8 money in the fund for the program's administrative and operating costs. The commissioner
 34.9 is annually appropriated and must distribute the amount of the proceeds credited to the
 34.10 automobile theft prevention special revenue account each year, less the transfer of \$1,300,000
 34.11 each year to the ~~general fund~~ insurance fraud prevention account described in section 297I.11,
 34.12 subdivision 2.

34.13 (c) At the end of each fiscal year, the commissioner may transfer any unobligated balances
 34.14 in the auto theft prevention account to the insurance fraud prevention account under section
 34.15 45.0135, subdivision 6.

34.16 Sec. 7. Minnesota Statutes 2016, section 80A.65, subdivision 2, is amended to read:

34.17 Subd. 2. **Registration application and renewal filing fee.** Every applicant for an initial
 34.18 or renewal registration shall pay a filing fee of \$200 in the case of a broker-dealer, ~~\$50~~ \$60
 34.19 in the case of an agent, and \$100 in the case of an investment adviser. When an application
 34.20 is denied or withdrawn, the filing fee shall be retained. A registered agent who has terminated
 34.21 employment with one broker-dealer shall, before beginning employment with another
 34.22 broker-dealer, pay a transfer fee of \$25.

42.6 Sec. 22. Minnesota Statutes 2016, section 239.101, subdivision 2, is amended to read:

42.7 Subd. 2. **Weights and measures fees.** The director shall charge a fee to the owner for
 42.8 inspecting and testing weights and measures, providing metrology services and consultation,
 42.9 and providing petroleum quality assurance tests at the request of a licensed distributor.
 42.10 Money collected by the director must be paid into the state treasury and as follows: (1) ten
 42.11 percent of metrology fees and ten percent of all other fees must be credited to the petroleum
 42.12 inspection fee account; and (2) the remainder must be credited to the state general fund.

147.15 (a) The director must ensure that signs having 12-point font or greater are affixed on
 147.16 retail petroleum dispensers as follows:

147.17 (1) for regular or premium gasoline, a sign that reads: "The price for each gallon of
 147.18 gasoline includes the current state gasoline tax of 28.5 cents per gallon and federal gasoline
 147.19 tax of 18.4 cents per gallon. Revenue from the state fuel tax may be used only for roads and
 147.20 bridges, according to the Minnesota Constitution."; and

147.21 (2) for diesel fuel, a sign that reads: "The price for each gallon of diesel fuel includes
 147.22 the current state gasoline tax of 28.5 cents per gallon and federal gasoline tax of 24.4 cents
 147.23 per gallon. Revenue from the state fuel tax may be used only for roads and bridges, according
 147.24 to the Minnesota Constitution."

147.25 (b) The director must distribute the signs under this section to the owner or operator of
 147.26 retail petroleum dispensers. To the extent possible, the director must coordinate the
 147.27 distribution of signs with other duties the director may have involving retail petroleum
 147.28 dispensers.

147.29 (c) If the amount of the gasoline tax described in paragraph (a), clauses (1) and (2),
 147.30 changes, the director must distribute revised signs to reflect the updated gasoline tax amounts
 147.31 within 12 calendar months of the change.

148.1 (d) The director is prohibited from assessing any penalty, fine, or fee on the owner or
 148.2 operator of a retail petroleum dispenser that has a missing, destroyed, defaced, or otherwise
 148.3 damaged gas tax sign.

148.4 Sec. 5. Minnesota Statutes 2016, section 297I.11, subdivision 2, is amended to read:

148.5 Subd. 2. **Automobile theft prevention account.** A special revenue account in the state
 148.6 treasury shall be credited with the proceeds of the surcharge imposed under subdivision 1.
 148.7 Of the revenue in the account, \$1,300,000 each year must be transferred to the ~~general fund~~
 148.8 insurance fraud prevention account under section 45.0135, subdivision 6. Revenues in excess
 148.9 of \$1,300,000 each year may be used only for the automobile theft prevention program
 148.10 described in section 65B.84.

148.11 **EFFECTIVE DATE.** This section is effective July 1, 2018.

148.12 Sec. 6. Minnesota Statutes 2016, section 325J.06, is amended to read:

148.13 **325J.06 EFFECT OF NONREDEMPTION.**

148.14 (a) A pledgor shall have no obligation to redeem pledged goods or make any payment
 148.15 on a pawn transaction. Pledged goods not redeemed within at least 60 days of the date of

42.13 Sec. 23. Minnesota Statutes 2016, section 297I.11, subdivision 2, is amended to read:

42.14 Subd. 2. **Automobile theft prevention account.** A special revenue account in the state
 42.15 treasury shall be credited with the proceeds of the surcharge imposed under subdivision 1.
 42.16 Of the revenue in the account, \$1,300,000 each year must be transferred to the ~~general fund~~
 42.17 insurance fraud prevention account under section 45.0135, subdivision 6. Revenues in excess
 42.18 of \$1,300,000 each year may be used only for the automobile theft prevention program
 42.19 described in section 65B.84.

148.16 the pawn transaction, ~~renewal, or extension~~ shall automatically be forfeited to the
148.17 pawnbroker, and qualified right, title, and interest in and to the goods shall automatically
148.18 vest in the pawnbroker.

148.19 (b) The pawnbroker's right, title, and interest in the pledged goods under paragraph (a)
148.20 is qualified only by the pledgor's right, while the pledged goods remain in possession of the
148.21 pawnbroker and not sold to a third party, to redeem the goods by paying the loan plus fees
148.22 and/or interest accrued up to the date of redemption.

148.23 (c) A pawn transaction that involves holding only the title to property is subject to chapter
148.24 168A or 336.

148.25 Sec. 7. Minnesota Statutes 2016, section 345.42, subdivision 1, is amended to read:

148.26 Subdivision 1. **Commissioner's duty.** Within the calendar year next following the year
148.27 in which abandoned property has been paid or delivered to the commissioner, the
148.28 commissioner shall provide public notice of the abandoned property in the manner described
148.29 in subdivision 1a and frequency otherwise as the commissioner determines to be most
148.30 effective and efficient in communicating to the persons appearing to be owners of this
148.31 property. ~~Public notice may include the use of print, broadcast, or electronic media.~~ The
149.1 commissioner shall, at a minimum, expend 15 percent of the funds allocated by the legislature
149.2 to the operations of the unclaimed property division, to comply with the public notice
149.3 requirements of this ~~subdivision~~ section and shall report to the legislature annually on how
149.4 those funds are expended. Public notice must include public outreach efforts including the
149.5 use of newspapers and other mass media, but must not include costs incurred by the
149.6 commissioner to develop, maintain, or improve the Department of Commerce Web site.

149.7 **EFFECTIVE DATE.** This section is effective the day following final enactment.

149.8 Sec. 8. Minnesota Statutes 2016, section 345.42, is amended by adding a subdivision to
149.9 read:

149.10 Subd. 1a. **Public notice.** (a) Public notice provided by the commissioner shall include
149.11 the following:

149.12 (1) posting on the Department of Commerce Web site a list of all persons appearing to
149.13 be owners of abandoned property. The list shall be arranged in alphabetical order by the
149.14 last name of the person and further organized by county. The list of persons must be updated
149.15 at least three times per year and must remain on the Department of Commerce Web site at
149.16 all times;

149.17 (2) publication in a qualified newspaper of a list of persons appearing to be owners of
149.18 abandoned property having a value of \$500 or more. The list must be published in a qualified
149.19 newspaper of general circulation in each county, and must include the names of all persons
149.20 whose last known address is within the county. The list must be published at least once per
149.21 year. The commissioner may stagger publication of the entire list of owners by publishing
149.22 a partial list at least twice, but no more than three times per year. Each qualified newspaper
149.23 that publishes the list shall, at no additional charge to the commissioner, also post the list
149.24 on its Web site or on a central Web site that can be accessed directly from the qualified
149.25 newspaper's Web site. The list must be accessible on the Web site for not less than 180 days
149.26 and at no cost to the public. The qualified newspaper must include in its publication of the
149.27 list a reference to its Web site or a central Web site; and

149.28 (3) dissemination of information to persons appearing to be owners of abandoned property
149.29 through other means and media, including broadcast media, the Internet, and social media.

149.30 (b) Beginning July 1, 2017, and annually thereafter, the commissioner shall provide to
149.31 each member of the legislature a list of all persons appearing to be owners of abandoned
149.32 property whose last known address is located in the legislator's respective legislative district.

149.33 **EFFECTIVE DATE.** This section is effective the day following final enactment.

150.1 Sec. 9. Minnesota Statutes 2016, section 345.49, is amended to read:

150.2 **345.49 CLAIM FOR ABANDONED PROPERTY PAID OR DELIVERED.**

150.3 Subdivision 1. **Filing.** (a) Any person claiming an interest in any property delivered to
150.4 the state under sections 345.31 to 345.60 may file a claim thereto or to the proceeds from
150.5 the sale thereof on the form prescribed by the commissioner.

150.6 (b) Any person claiming an interest in property evidenced by a will or trust document,
150.7 or court order, may submit to the commissioner only such portions of the document or order
150.8 necessary to establish a claim.

150.9 Subd. 2. **Appropriation.** There is hereby appropriated to the persons entitled to a refund,
150.10 from the fund in the state treasury to which the money was credited, an amount sufficient
150.11 to make the refund and payment.

150.12 Subd. 3. **Data.** Government data received by the commissioner pursuant to this section
150.13 is nonpublic data or private data on individuals, as defined in section 13.02, subdivisions 9
150.14 and 12.

150.15 **EFFECTIVE DATE.** This section is effective the day following final enactment.

150.16 Sec. 10. **[471.9998] MERCHANT BAGS.**

150.17 Subdivision 1. **Merchant option.** All merchants, itinerant vendors, and peddlers doing
150.18 business in this state shall have the option to provide customers a paper, plastic, or reusable
150.19 bag for the packaging of any item or good purchased, provided such purchase is of a size
150.20 and manner commensurate with the use of paper, plastic, or reusable bags.

150.21 Subd. 2. **Prohibition; bag ban.** Notwithstanding any other provision of law, no political
150.22 subdivision shall impose any ban upon the use of paper, plastic, or reusable bags for
150.23 packaging of any item or good purchased from a merchant, itinerant vendor, or peddler.

150.24 **EFFECTIVE DATE.** This section is effective May 31, 2017. Ordinances existing on
150.25 the effective date of this section that would be prohibited under this section are invalid as
150.26 of the effective date of this section.

150.27 Sec. 11. **EXISTING DEPUTY COMMISSIONERS MAY SERVE UNTIL JANUARY**
150.28 **1, 2019.**

150.29 All existing deputy commissioners under Minnesota Statutes, section 45.013, may serve
150.30 until January 1, 2019. Vacancies that occur in these positions before January 1, 2019, must
150.31 not be filled.

151.1 Sec. 12. **REPORT ON UNCLAIMED PROPERTY DIVISION.**

151.2 The commissioner shall report by February 15, 2018, to the chairs and ranking minority
151.3 members of the standing committees of the house of representatives and senate having
151.4 jurisdiction over commerce regarding the process owners of abandoned property must
151.5 comply with in order to file an allowed claim under Minnesota Statutes, chapter 345. The
151.6 report shall include information regarding the documentation and identification necessary
151.7 for owners of each type of abandoned property under Minnesota Statutes, chapter 345, to
151.8 file an allowed claim.

151.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

45.1 Sec. 25. **REPEALER.**

45.2 Minnesota Statutes 2016, section 46.131, subdivision 5, is repealed.